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COMMISSION ON THE STATUS OF WOMEN
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Agenda item 5

PRIORITY THEMES

Algeria, Bangladesh, Bosnia and Herzegovina*, Ecuador, Iran, (Islamic Republic of), Malaysia, Morocco*, Pakistan, Sierra Leone*, Tunisia and Turkey*: draft resolution

Rape and abuse of women in the area of armed conflict in the former Yugoslavia

The Commission on the Status of Women,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Prevention and Punishment of the Crime of Genocide, 4/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 5/ the Convention on the

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* In accordance with rule 69 of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 260 A (III).

5/ Resolution 39/46, annex.

Elimination of All Forms of Discrimination against Women, 6/ the Convention on the Rights of the Child 7/ and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 8/ and the Additional Protocols thereto of 1977, 9/

Recalling General Assembly resolution 3074 (XVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Recalling the Commission on Human Rights resolution 1994/__ of 9 March 1993, entitled "Rape and abuse of women in the territory of the former Yugoslavia" and General Assembly resolution 48/143 of 20 December 1993, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia",

Appalled at the recurring and substantiated reports of widespread rape and abuse of women and children in the areas of armed conflict in former Yugoslavia, in particular its systematic use against the Muslim women and children in Bosnia and Herzegovina by Serbian forces,

Reaffirming the relevant Security Council resolutions, in particular resolution 796 (1992) of 18 December 1992 in which, inter alia, the Council strongly condemned those acts of unspeakable brutality,

Noting with deep concern the reports on the findings of the Special Rapporteur, 10/ regarding rape and abuse of women in the territory of the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina,

Convinced that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serbian forces in the Republic of Bosnia and Herzegovina, and noting General Assembly resolution 47/121 of 18 December 1992, in which the Assembly stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

Welcoming the establishment of an International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, in pursuance of Security Council resolution 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

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6/ Resolution 34/180, annex.

7/ Resolution 44/25, annex.

8/ United Nations Treaty Series, vol. 75, Nos. 970-973.

9/ Ibid., vol. 1125, Nos. 17512 and 17513.

10/ E/CN.4/1994/47.

Desirous of ensuring that persons accused of upholding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice by the International Tribunal, where appropriate,

Recognizing the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims,

Deeply alarmed at the situation facing victims of rape in the conflicts in different parts of the world, in particular in the Republic of Bosnia and Herzegovina, and the continuing use of rape as a weapon of war,

Noting with appreciation the work of humanitarian organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

Taking into account resolution 37/7 of 25 March 1993 of the Commission on the Status of Women,

Expressing its appreciation to the Secretary-General for his report entitled "Rape and abuse of women in the areas of armed conflict in former Yugoslavia", 11/

Commending the Special Rapporteur for his report on the situation of human rights in the territory of the former Yugoslavia, 10/

1. Strongly condemns the abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia which constitutes a war crime;

2. Expresses its outrage that the systematic practice of rape is being used as a weapon of war and an instrument of ethnic cleansing against the women and children in the former Yugoslavia, in particular against Muslim women and children in Bosnia and Herzegovina;

3. Demands that those involved immediately cease those outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 12 August 1949 8/ and the Additional Protocols 9/ thereto, and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under those instruments and other applicable international human rights instruments;

4. Urges all States Members of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to this despicable practice;

11/ A/48/858.

5. Reaffirms that all persons who perpetrate or authorize crimes against humanity or other violations of international humanitarian law are individually responsible for those violations and that those in positions of authority who have failed to ensure that persons under their control comply with the relevant international instruments are accountable, together with the perpetrators;

6. Urges States Members of the United Nations to exert every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in these outrageous international crimes;

7. Endorses the decision of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to allow the Commission of Experts established under Security Council resolution 780 (1992) to take the lead on special studies of this issue to avoid duplication but to continue to pay attention to the widespread occurrence of rape, particularly in Bosnia and Herzegovina;

8. Notes with concern that many of the recommendations in the Special Rapporteur's previous reports have not been implemented and urges all States and relevant organizations immediately to give serious consideration to the recommendations of the Special Rapporteur in his reports, in particular the recommendation for the provision of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war;

9. Supports the Commission of Experts in its initiative to investigate the issue of systematic rape of women in the former Yugoslavia through its envisaged plan of action in which special emphasis will be given to allegations of sexual assault;

10. Urges the Commission of Experts to treat its investigation on this issue as a matter of priority and welcomes its intention to reflect the results of its study in its final report, expected to be submitted by the end of April 1994;

11. Calls on all States that harbour refugees from the former Yugoslavia to provide the necessary assistance to the Commission of Experts in its efforts to interview those refugees or otherwise collect evidence for its investigation of the systematic practice of rape of women;

12. Declares that rape is a heinous crime and encourages the International Tribunal to give due priority to the cases of the victims of rape in the areas of armed conflict in the former Yugoslavia, in particular in the Republic of Bosnia and Herzegovina;

13. Urges all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Health Organization, to continue to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation;

14. Requests the Secretary-General to continue providing such necessary means as are available to him in the area to enable the Commission of Experts and the Special Rapporteur to perform their missions in this respect;

15. Decides to remain seized of this matter.